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EXAMINER	
VU, THONG H	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/650,867	HASSELL ET AL.	
	Examiner	Art Unit	
	Thong H. Vu	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-5,7-11,16,18,62-64,66-77,79 and 82-112* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-5,7-11,16,18,62-64,66-77,79,82-112* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 3-5,7-11,16,18, 62-64,66-77,79,82-112 are pending.

Response to Arguments

2. Applicant's arguments, see pages 15-23, filed 7/10/07, with respect to the rejection(s) of claim(s) 3-5,7-11,16,18, 62-64,66-77,79,82-112 under Welter have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Welter-Nakabayashi.

Claim Objections

3. Claim 112 is objected to because of the following informalities: in case of "the receiving a specification from the first device" is important to the invention, this limitation must be included in claim language. Appropriate correction is required.

4. Claims 63,87,105,112 disclose the first and second device without any specific detail. Examiner interprets as any network devices (i.e.: nodes, servers, routers, etc.).

Claims 3-5,7-11,16,18, 62-64,66-77,79,82-111 are rejected under 35 U.S.C. 103 as being unpatentable over Welter et al [Welter 6,633,912 B1] in view of Nakabayashi et al [Nakabayashi 5,905,866].

5. As per claim 63, Welter discloses A computer-implemented method, implemented in a troubleshooting portal device, for providing connectivity between a first communication device and a second communication device, the second

communication device residing in an access provider communication network [Welter, abstract], the method comprising the steps of:

receiving a specification (i.e.: a test configuration file) from the first communication device over a first communication channel, wherein the first communication device is located in a first network operated by a first provider, the specification comprising at least one predefined identifier of the second communication device [Welter, ISP 24, test configuration file, website tester or predefined ID, col 5 lines 12-63];

receiving, from the first communication device, a request to establish connectivity between the first and the second communication device [Welter, determines whether the appropriate link tag has been found, col 9 lines 20-27], wherein the second communication device is located in a second network operated by a second provider different than the first provider [Welter, web browser from another computer such as UNIX, col 5 lines 30-45; multiple web sites, Fig 4A,B,C];

identifying a statically configured second communication channel to the second communication device that is associated with the predefined identifier (i.e.: URL) [Welter, add URL transaction monitor with URL link, Fig 4A; edit configuration file, col 8 lines 45-65; enter manually, col 12 lines 15-25];

configuring a network device to establish a route between the first communication device and the second communication device using the identified statically (i.e.: manually) configured second communication channel [Welter, link lists,

new URL, col 12 lines 48-64; enter manually, col 12 lines 15-25. It's clearly that the link (or channel) list which could be entered manually provides the third channel];

receiving at least troubleshooting data and a test from the first communication device; and communicating the received troubleshooting data and the test to the second communication device [Welter, transmit and receive information from the test computer, col 2 lines 50-60].

Welter does not explicitly detail a test configuration file as a specification.

It's was well-known in the art that the specification can be obtained from a Web server [Nakabayashi, the specification of links is included in the received hypertext data obtained from the Web server, col 43 lines 45-55].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the retrieving the specification from Web server connection as taught by Nakabayashi into the Welter's apparatus in order to utilize the network resources.

Doing so would provide the quick and efficiency to the troubleshooting procedure.

6. As per claim 3, Welter-Nakabayashi disclose configuring at least one switch such that a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) are coupled together [Welter, link list menu, Fig 10B; routers and queues, col 20 line 55].

7. As per claim 4, Welter-Nakabayashi disclose configuring a digital subscriber loop access multiplexer (DSLAM = switch/router) connected to a plurality of second communication devices such that said second communication device associated with said specified identifier is connected by said step of establishing connectivity [Welter, routers and queues, col 20 line 55].

8. As per claim 5, Welter-Nakabayashi disclose configuring the network device to route data over a plurality of physical links associated with said predefined identifier [Welter, routers and queues, col 20 line 55].

9. As per claim 7, Welter-Nakabayashi disclose said first communication device is located in a network service provider communication system [Welter, unlimited web pages, col 6 lines 35-38].

10. As per claim 8, Welter-Nakabayashi disclose said first communication device is located in said access provider communication system [Welter, proxy server, col 7 lines 59-64].

11. As per claim 9, Welter-Nakabayashi disclose associating a predefined circuit identifier (ID) with said second communication device [Welter, URL, col 7 lines 4-10].

12. As per claim 10, Welter-Nakabayashi disclose assigning a first internet protocol (IP) address, wherein said first IP address corresponds to said second communication device [Welter, entry the name and address, col 7 lines 26-36].

13. As per claim 11, Welter-Nakabayashi disclose associating a second IP address with said first IP address [Welter, match content field 128, col 7 lines 26-36].

14. As per claim 16, Welter-Nakabayashi disclose verifying a right to access and the steps of specifying and establishing are implemented only after the right to access is verified [Welter, verified and tested, col 8 lines 44].

15. As per claim 18, Welter-Nakabayashi disclose monitoring activity between said first communications device and said second communications device, and further including terminating connectivity after a predefined period of no activity [Welter, monitoring web sites, Fig 4A,B,C].

16. As per claim 62, Welter-Nakabayashi disclose assigning the first IP address is performed by the access provider [Welter, TCP/IP connection, col 13 lines 24].

17. As per claim 64, Welter-Nakabayashi disclose the predefined identifier is an IP address and the predefined communication channel is a VC [Welter, Virtual Private network, col 18 line 61].

18. As per claim 66, Welter-Nakabayashi disclose the first provider is a network service provider and the second provider is an access network provider [Welter, Internet and ISP, Fig 2A].

19. As per claim 67, Welter-Nakabayashi disclose the method is performed by a device located in the second network operated by the access network provider [Welter, multiple web sites, Fig 4A,B,C].

20. As per claim 68, Welter-Nakabayashi disclose the step of configuring a DSLAM (i.e.: switch/router) to couple the first communication channel to the second communication channel [Welter, routers and queues, col 20 line 55].

21. As per claim 69, Welter-Nakabayashi disclose the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device [Welter, TCP/IP connection, col 13 lines 24].

22. As per claim 70, Welter-Nakabayashi disclose at the network service provider, assigning a permanent IP address to the second communication device; and associating the circuit ID with the assigned IP address [Welter, TCP/IP connection, col 13 lines 24].

23. As per claim 71, Welter-Nakabayashi disclose at a network service provider, assigning a temporary IP address to the second communication device, the IP address selected from a pool of available addresses; and associating the circuit ID with the assigned IP address as inherent feature of TCP/IP connection.

24. As per claim 72, Welter-Nakabayashi disclose the step of verifying the request before the configuring step [Welter, verify error, col 7 lines 37-47].

25. As per claim 73, Welter-Nakabayashi disclose monitoring activity between the first communications device and the second communications device; and terminating connectivity between the first communications device and the second communications device after a predefined period of no activity [Welter, verify error, col 7 lines 37-47].

26. As per claim 74, Welter-Nakabayashi disclose a portion of the access provider communication network is a frame relay network as inherent feature of Internet.

27. As per claim 75, Welter-Nakabayashi disclose a portion of the access provider communication network is an asynchronous transfer mode (ATM) network as inherent feature of Internet.

28. As per claim 76, Welter-Nakabayashi disclose a portion of the access provider communication network is an internet protocol (IP) network [Welter, TCP/IP connection, col 13 lines 24].

29. As per claim 77, Welter-Nakabayashi disclose a portion of the access provider communication network is a multi-protocol label switching (MPLS) network as inherent feature of Internet.

30. As per claim 87, Welter discloses A computer-implemented method, implemented by a troubleshooting portal, for providing connectivity between a first communication device and a second communication device, the method comprising the steps of:

receiving a specification (i.e.: a test configuration file) from the first communication device over a first communication channel, the specification comprising at least one predefined identifier of the second communication device [Welter, ISP 24, test configuration file, website tester or predefined ID, col 5 lines 12-63];

receiving, from the first communication device, a request to establish connectivity between the first and the second communication device [Welter, HTTP request for the URL, col 9 lines 42-49];

identifying a predefined second communication channel to the second communication device that is associated with the predefined identifier [Welter, link list menu, Fig 10D];

instructing a network device to couple the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device using the predefined second communication channel, the first communication device located in a first network operated by a first provider, and the second communication device located in a second network operated by a second provider different than the first provider [Welter, multiple web sites, Fig 4-A,B,C; the portal may generate reports for the user to help the user make appropriate change, col 14 lines 41-48; link list, col 12 lines 15-52. It's clearly that the link (or channel) list which could be entered manually provides the third channel];

receiving at least troubleshooting data and a test from the first communication device; and communicating the received troubleshooting data and the test to the second communication device [Welter, transmit and receive information from the test computer, col 2 lines 50-60].

Welter does not explicitly detail a test configuration file as a specification.

It's was well-known in the art that the specification can be obtained from a Web server [Nakabayashi, the specification of links is included in the received hypertext data obtained from the Web server, col 43 lines 45-55].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the retrieving the specification from Web server connection as taught by Nakabayashi into the Welter's apparatus in order to utilize the network resources.

Doing so would provide the quick and efficiency to the troubleshooting procedure.

31. As per claim 105, Welter discloses A computer-readable medium having a program, implemented by a troubleshooting portal, for providing connectivity between a first communication device and a second communication device, the program comprising the steps of:

receiving a specification (i.e.: a test configuration file) from the first communication device over a first communication channel, the specification comprising at least one predefined identifier of the second communication device, the first communication device located in a first network operated by a first provider and the second communication device located in a second network operated by a second provider different than the first provider [Welter, ISP 24, test configuration file, website tester or predefined ID, col 5 lines 12-63];

receiving, from the first communication device, a request to establish connectivity between the first and the second communication device [Welter, determines whether the appropriate link tag has been found, col 9 lines 20-27. It's clearly that the link (or channel) list which could be entered manually provides the third channel as a design choice];

identifying a statically configured second communication channel to the second communication device that is associated with the predefined identifier [Welter, link lists, new URL, col 12 lines 48-64; enter manually, col 12 lines 15-25];

coupling the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device [Welter, link list menu, col 12 lines 48-52, Fig 10D]; and

receiving at least troubleshooting data and a test from the first communication device; communicating the received troubleshooting data and the test to the second communication device [Welter, transmit and receive information from the test computer, col 2 lines 50-60. It's clearly that the link (or channel) list which could be entered manually provides the third channel as a design choice].

Welter does not explicitly detail a test configuration file as a specification.

It's was well-known in the art that the specification can be obtained from a Web server [Nakabayashi, the specification of links is included in the received hypertext data obtained from the Web server, col 43 lines 45-55].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the retrieving the specification from Web server connection as taught by Nakabayashi into the Welter's apparatus in order to utilize the network resources.

Doing so would provide the quick and efficiency to the troubleshooting procedure.

32. Claims 79,82-86; 88-104 and 106-111 contain the identical limitations set forth in claims 3-11,16,18, 62,64,66-77. Therefore claims 79,82-86; 88-104 and 106-111 are rejected for the same rationale set forth in claims 3-11,16,18, 62,64,66-77.

Claim 112 is rejected under 35 U.S.C. 102(e) as being anticipated by Welter et al [Welter 6,633,912 B1].

33. As per claim 112 Welter discloses A computer-implemented method, implemented by a troubleshooting portal, for providing connectivity between a troubleshooting manager device and a managed communication device, the method comprising the steps of:

creating, upon user request, a statically configured predefined first channel between the managed communication device and an access unit within an access provider network [Welter, create a new test configuration file, col 6 line 5; enter manually, col 12 lines 15-25];

receiving, over a second channel, an identifier of the managed communication device from the troubleshooting manager device [Welter, monitoring multiple web sites, col 6 line 64];

receiving, from the troubleshooting manager device, a request to establish connectivity between the troubleshooting manager device and the identified managed communication device [Welter, determines whether the appropriate link tag has been found, col 9 lines 20-27];

instructing a network device to couple the statically configured predefined channel to the second channel, producing a third channel [Welter, entered manually; a link list menu, col 12 lines 15-65. It's clearly that the link (or channel) list which could be entered manually provides the third channel];

receiving at least troubleshooting data and a test from the troubleshooting manager device; and communicating the received troubleshooting data and the test to the managed communication device over the third channel [Welter, transmit and receive information from the test computer, col 2 lines 50-60].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER